IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 305 /2005

PETITIONER : Syamlal S/o.Sonsai,
R/o. Melladih, Tah-Kota
Distt-Bilaspur (C.G.)

VERSUS

RESPONDENTS 1] State of Chhattisgarh,
Through Secretary, Public
Works Deptt, Mantralaya,
D.K.S. Bhawan-Raipur (C.G.)

2] Sub Divisional Officer,
PWD, Division-3 Koni. Bilaspur (C.G.)

P.R. No. 3492/05
Presented by Shri Sanjay Sahu
dated 22/7/05

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

SB

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 3405 of 2005

Petitioner Syamlal

Versus

Respondents State of Chhattisgarh & another

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Samer Sahu, Advocate for the petitioner.

Shri Sushil Dubey, Government Advocate for the respondents.

ORDER

(Passed on this 13th day of February, 2007)

1. By this petition, the petitioner, who has worked for more than 29 years as Gangman seeks a relief that the petitioner being permanent gangman be retired at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule (for short 'F.R.') 56.

2. The indisputable facts are that the petitioner was employed as gangman in the year 1978. According to learned counsel for the petitioner, the petitioner attained the status of permanent employee, as defined under Rule 2(c) of the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979 (for short 'the Rules, 1979'), framed under Article 309 of the Constitution of India. After having attained the status of the permanent employee the petitioner would retire on attaining the age of 62 years on superannuation under the provisions of the Act, 1967.

3. Learned counsel appearing for the petitioner would submit that the case of the petitioner is squarely covered by the decision of

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this Court passed on 4th January, 2007 in W.P. No. 108/2005 (Govind Vs. State of Chhattisgarh & others) and other connected matters.

4. Learned counsel appearing for the respondents/State does not dispute the submissions made by learned counsel for the petitioner.

5. Accordingly, the petitioner, who is permanent gangman, is entitled to retire on attaining the age of 62 years in accordance with the Act, 1967. The petition is accordingly allowed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur